

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

V.

NO. 4:08CR00061-001 SWW

ANTHONY WALTER CHANDLER

ORDER

The above defendant appeared before the Court in this matter on March 25, 2008, for a hearing on his amended motion for reconsideration of his detention. The motion was filed, pursuant to 18 U.S.C. §3145(b), as an appeal of the detention order entered by Magistrate Judge John F. Forster, Jr., on February 21, 2008. By stipulation of the parties, the Court received in evidence the transcript of the detention hearing conducted by Judge Forster. Both the government and the defendant called witnesses and the government introduced exhibits, most of which had been received at the prior hearing before Judge Forster. For the reasons that follow, defendant's request for release shall be denied.

At the conclusion of the hearing, the Court ruled from the bench that it had considered the evidence presented by the parties as well as the transcript of the prior detention hearing. The Court is bound by the provisions of the Bail Reform Act of 1984. The Court finds that this is a "presumption" case pursuant to 18 U.S. C. §3142(e) and that the evidence establishes probable cause to believe that this defendant committed the offenses charged in the indictment.

The Court has considered the factors listed in 18 U.S. C. §3142(g), including the weight of the evidence against the defendant and the defendant's conduct in attempting to avoid arrest on November 8, 2007, and his criminal history of a misdemeanor conviction for fleeing. The Court has reviewed *de novo* the evidence presented at the first detention hearing and affirms the findings by Magistrate Judge John F. Forster, Jr. This Court finds that the evidence presented at the hearings before this Court establishes that defendant has fled

or resisted previous arrests, possessed at the time of his November arrest a fully automatic and loaded machine gun, marijuana, drug paraphernalia, precursor drugs and equipment for the manufacture of methamphetamine, and that he had a number of loaded firearms and magazines in addition to the machine gun. Defendant arguably threatened an officer who was present to arrest him on November 8, 2007, and, after this arrest while on bond, defendant apparently obtained or attempted to obtain personal information from the Internet concerning both a law enforcement officer and a judge who were connected to that arrest.

The Court has also considered evidence presented by defendant that he has an offer or offers of employment and responsible family members who are willing to serve as third-party custodians. The Court finds that the government has carried its burden of proof by clear and convincing evidence that defendant should continue to be detained pending trial because his release would pose a danger to the community.

IT IS THEREFORE ORDERED that defendant's motion for release¹ hereby is denied, and defendant shall remain detained in the custody of the Attorney General, pursuant to 18 U.S.C. §3142(i)(2), for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded reasonable opportunity for private consultation with his counsel. Upon order of the Court or on request of an attorney for the government, the corrections facility where defendant is confined shall deliver defendant to the United States Marshal for his appearance at any court proceeding.

Defendant has made the Court aware that defendant has suffered a broken tooth during his confinement. The United States Marshal should attend to defendant's medical needs, particularly his broken tooth.

IT IS SO ORDERED this 26th day of March, 2008.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE

¹Defendant's motion and amended motion for reconsideration are moot.